

Case Number:	BOA-22-10300080
Applicant:	Rene LaFuente
Owner:	Gilbert Sandoval
Council District:	4
Location:	866 West Villaret Boulevard
Legal Description:	North 363' of the East 135' of 363 EXC the West 15' of the North 135' & West 12' of Lot 364, Block 39, NCB 11138
Zoning:	"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District
Case Manager:	Vincent Trevino, Senior Planner

Request

A request for a 1,500 square foot variance from the maximum 2,500 square foot allowance, as described in Section 35-370, to allow a detached accessory structure to be 4,000 square feet.

Executive Summary

The subject property is located near the intersection of West Villaret Boulevard and Strech Avenue. The applicant is seeking a variance to allow an accessory structure to be 4,000 square feet. Most of the lots in the area are zoned "R-4" and Section 35-370 of the UDC states that in residential districts the total floor area of accessory structures shall not exceed a maximum of two thousand five hundred (2,500) square feet. The lots in this area appear to be oversized. The proposed use for the accessory structure is storage.

Code Enforcement History

There is no relevant code enforcement history for the subject property.

Permit History

A building permit is pending the outcome of the Board of Adjustment hearing.

Zoning History

The subject property was annexed into the City of San Antonio by ordinance 18115, dated September 24, 1952, and zoned "A" Temporary Residence District. The property was rezoned by Ordinance 24277, dated January 24, 1957, and rezoned "B" Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B" Residence District converted to the current "R-4" Residential Single-Family District.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
"R-4 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District	Single-Family Residence

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-4 MLOD-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazzard Overlay District	Single-Family Residence
South	“R-4 MLOD-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazzard Overlay District	Single-Family Residence
East	“R-4 MLOD-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazzard Overlay District	Single-Family Residence
West	“R-4 MLOD-2 AHOD” Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazzard Overlay District	Single-Family Residence

Comprehensive Plan Consistency/Neighborhood Association

The subject property is in the West Sector Plan and is designated General Urban Tier in the future land use component of the plan. The subject property is not located within the boundary of a registered neighborhood association.

Street Classification

West Villaret is classified as a local road.

Criteria for Review –Variance

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

- 1. The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. A 1,500 square feet variance from the maximum 2,500 square feet allowance to allow an accessory structure to be 4,000 square feet appears to be contrary to the public interest.

- 2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

A literal enforcement of the ordinance would result in the applicant having to only construct the accessory structure to be 2,500 square feet. There are no unnecessary hardships that would allow the accessory structure to be 4,000 square feet.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The proposed 4,000 square foot accessory structure does not appear to observe the spirit of the ordinance.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

No uses other than those allowed within the district will be allowed with this variance.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

Staff finds the request for the accessory structure is not appropriate. No other accessory structures were observed in the immediate area, so the proposed structure may alter the essential character of the district.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

Staff finds the plight of the owner of the property for which the variance is not sought due to unique circumstances on the property that would allow a 4,000 square foot accessory structure.

Alternative to Applicant's Request

The alternative to the applicant's request is to conform to the Accessory Structure Regulations of the UDC Section 35-370(b)(3).

Staff Recommendation – Accessory Structure Variance

Staff recommends Denial for BOA-22-10300080 based on the following findings of fact:

1. There are no hardships on the property that would allow an accessory structure to be over 2,500 square feet; and
2. No other accessory structures of similar size were observed in the surrounding area.